



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

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APR 06 2002

Applicant(s): Donoho *et al.*

Application No.: 09/691,344

Group Art Unit: 1653

Filed: 10/18/00

Examiner: Rita Mitra

Title: Novel Human Proteins and Polynucleotides  
Encoding the Same

Attorney Docket No.: LEX-0071-USA

**RESPONSE TO NOTICE TO COMPLY WITH  
REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR  
AMINO ACID SEQUENCE DISCLOSURES**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("the Notice"), mailed March 27, 2002 in connection with the above-identified application, Applicants submit herewith: (i) a Sequence Listing in computer readable form pursuant to 37 C.F.R. §1.821(e) which replaces the damaged diskette sent January 16, 2002; (ii) a Verified Statement Concerning Sequence Listing Under 37 C.F.R. § 1.821(f) and (iii) a replacement copy of sequence listing as originally submitted. Applicants respectfully request the entry of the computer readable form of the Sequence Listing into the file.

With regard to the statement on the Notice regarding Applicants alleged failure to provide an initial copy of the Sequence Listing as a separate part of the disclosure on paper copy, as required under 37 C.F.R. § 1.821(c), Applicants note for the record that a paper copy of the Sequence Listing was originally submitted with the application as filed on October 18, 2000, as evidenced by the return postcard received from the Patent and Trademark Office ("The Office"), a copy of which is included herewith. Applicants submit that the request for an original paper copy of the Sequence Listing was

made in error, or that the copy of the Sequence Listing as originally filed has been misplaced by the Office. Therefore, Applicants believe that an amendment, as requested in the Notice, is not necessary.

However, in order to attempt to comply with the Notice within the time period set for response, Applicants are submitting a replacement copy of the Sequence Listing, which was originally submitted with the application on October 18, 2000. The present document is a complete response to the Notice. Applicants believe that no fees are due in connection with this response. However, the Commissioner is authorized to charge any required fees to Deposit Account No. 50-0892. Should Examiner Mitra have any further questions concerning the present application, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

April 25, 2002  
Date

Lance K. Ishimoto by Peter G. Seferian  
Lance K. Ishimoto Reg. No. 41,866

Reg. No. 41,866

LEXICON GENETICS INCORPORATED  
(281) 863-3333



24231  
PATENT TRADEMARK OFFICE

Jc917 U.S. PTO  
09/691344

10/16/00



Box Patent Application

Express Mail No.: EL672756158US

Date Mailed 10-18-00

U.S. Appl. Ser. No.: to be assigned

Inventors: Dencho, Turner, Neils, Friedrich, Zambrowicz, Sands

Title: Novel Human Proteins & Polynucleotides

Enclosing the Same

Attorney Docket No.: LEX-0071-USA

Specification 25 pages total (23 pages spec; 1 claim page(s); 1 page Abst)

Transmittal Letter (original and copy)

Drawings (\_\_\_\_ pages; \_\_\_\_ number of drawings)

Sequence Listing (7 pages)

Other: return postcard; unsigned Declaration; Small Entity Statement-  
unexecuted

POSTED  
10/30/00-05



PTO/SB/12 (12-97)  
Approval for use through 9/30/00. OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid  
OMB control number.

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

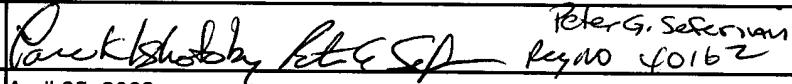
Total Number of Pages in This Submission	17	Attorney Docket Number	LEX-0071-USA
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### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communications to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communications to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> To Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> return postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Verified Statement and Sequence List on Diskette
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request of Refund	<input type="checkbox"/> Copy of sequence listing (7 pages)
<input checked="" type="checkbox"/> Response to Notice to Comply	<input type="checkbox"/> Remarks	<input type="checkbox"/> Copy of original S/N postcard
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		<input type="checkbox"/> Copy of Notice to Comply

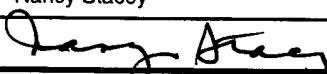
24231  
PATENT TRADEMARK OFFICE

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Lance K. Ishimoto, Reg. No. 41,866 Lexicon Genetics Incorporated
Signature	
Date	April 25, 2002

### CERTIFICATE OF MAILING

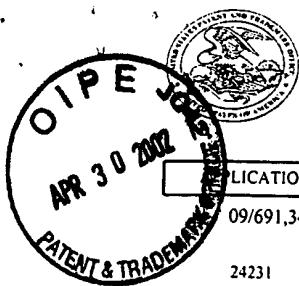
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Box Sequence, P.O. Box 2327, Arlington, VA 22202 on this date: April 25, 2002

Typed or printed name	Nancy Stacey		
Signature		Date	April 25, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
 Washington, D.C. 20231  
 www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/691,344	10/18/2000	Gregory Donoho	LEX-0071-USA	3961
24231	7590	03/27/2002		

LEXICON GENETICS INCORPORATED  
 8800 TECHNOLOGY FOREST PLACE  
 THE WOODLANDS, TX 77381-1160

NJC

EXAMINER	
MITRA, RITA	
ART UNIT	PAPER NUMBER

1653

DATE MAILED: 03/27/2002

due 4/27/02

6 mos 9/27/02

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Please find below and/or attached an Office communication concerning this application or proceeding.

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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
www.uspto.gov

APPLICATION NO./ CONTROL NO. 09/691344	FILING DATE 10/18/2000	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Gregory Donoho	ATTORNEY DOCKET NO. LEX-0071-USA
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EXAMINER

RITA MITRA

ART UNIT PAPER

1653 9

DATE MAILED:

MAY 06 2002  
100/2900

TECH CENTER 1600

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

The communication filed 01 February, 2002 is not fully responsive to the Office communication mailed 17 December, 2001 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the reply appears to be bona fide attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Rita Mitra, Art Unit 1653, whose telephone number is (703) 605-1211.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio  
(<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)

2. Mailed to:

U.S. Patent and Trademark Office  
Box Sequence, P.O. Box 2327  
Arlington, VA 22202

3. Mailed by Federal Express, United Parcel Service or other delivery service to:

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Per: M.....

U. S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Box Sequence  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

4. Hand Carried directly to the Customer Window at:  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03, Box Sequence,  
Arlington, Virginia 22202

*Christopher S. Low*  
CHRISTOPHER S. F. LOW  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600



## Notice to Comply

Application No.	Applicant(s)
09/691344	Donoho et al.
Examiner	Art Unit
Rita Mitra, Ph. D.	1653

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other:

#### Applicant Must Provide:

An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".

An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

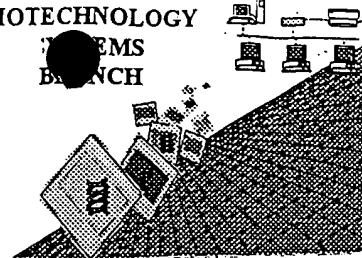
PatentIn Software Program Support

Technical Assistance..... 703-287-0200

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PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

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## 1600 CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/691,344  
Filing Date: 10/18/2000  
Date Processed by STIC: 2/15/2002

STIC Contact: Mark Spencer, 703-308-4212

### Nature of Problem:

The CRF (was):

Damaged or Unreadable (for Unreadable, see attached)  
 Blank (no files on CRF) (see attached)  
 Empty file (filename present, but no bytes in file) (see attached)  
 Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.  
 Not saved in ASCII text  
 Sequence Listing was embedded in the file. According to Sequence Rules,  
submitted file should only be the Sequence Listing.  
 Did not contain a Sequence Listing. (see attached sample)  
 Other:

PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.  
SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

→ Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:  
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
Or  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002

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